



# NEWS RELEASE

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## California Supreme Court to Hold Special Outreach Session in Shasta County

*Hundreds of Students, Teachers to Participate  
In Collaborative Court Education Event on October 5*

San Francisco—The California Supreme Court will reach out next month to Redding, in Shasta County, when it holds a special oral argument session and public education program there, one of the largest collaborative educational events of its kind in Northern California.

More than 700 high school and college students from Shasta and four other nearby counties—Lassen, Siskiyou, Tehama, and Trinity—will participate in the program, to be held October 5, at Redding City Hall, Council Chambers, 777 Cypress Avenue.

California Channel, a public affairs cable network, will broadcast the first three of five cases live statewide, from 9 a.m. to 12 noon, starting with a question-and-answer session between the students and justices ([www.calchannel.com](http://www.calchannel.com)). The network reaches 5.6 million viewers, and will offer a satellite link to facilitate coverage by other stations.

The Supreme Court, the Court of Appeal for the Third Appellate District (Sacramento), and the Superior Court of Shasta County are coordinating the event, under the direction of a planning committee chaired by Judge Monica Marlow, of the Superior Court of Shasta County.

Committee members include Administrative Presiding Justice Arthur G. Scotland, of the Third Appellate District; Presiding Judge William D. Gallagher, of the Superior Court of Shasta County; Mr. Frederick Ohlrich, Clerk/Administrator of the Supreme Court; Ms. Susan Null, Court Executive Officer of the Shasta trial court; and other representatives of the three courts. A brief summary of the cases to be televised follow.

- (1) *People v. R. J. Reynolds Tobacco, S121009*, is a civil case that involves a cigarette maker's promotional distribution of free cigarettes at five events in California in 1999. The Attorney

(over)

General's Office filed suit against R. J. Reynolds on the grounds that a California law prohibits the distribution of free cigarettes on public property, except in specified, limited circumstances. The Superior Court of Los Angeles County ruled in favor of the Attorney General and imposed a fine of \$14.8 million based on the number of cigarettes distributed, and the Court of Appeal upheld the judgment against the company. Before the Supreme Court, R. J. Reynolds asserts that a federal law preempts the state law at issue in the superior court case and that the fine assessed against it is excessive.

(2) ***People v. Smith (Jarmaal)*, S123074**, is a criminal case that involves whether a defendant was properly convicted of two counts of attempted murder for firing a single shot toward two victims, based on the theory that both victims were within the so-called "kill zone" at the time of the shooting. The defendant was angry with his former girlfriend, who was seated in the driver's seat of an automobile, and he fired one shot through the rear window of the car that passed immediately over an infant seat located in the rear seat of the car and in which a three-month-old infant was seated and through the headrest of the driver's seat. Neither the girlfriend nor the infant was hit, but the defendant was convicted of two counts of attempted murder. The Supreme Court agreed to hear the case after the Court of Appeal upheld the two attempted murder convictions.

(3) ***People v. Robinson (James)*, S040703**, is a death penalty case that, like all death penalty cases, was appealed directly and automatically from the trial court to the Supreme Court. The case involves a defendant who was convicted of robbery and first degree murder of two people at a sandwich store. On appeal, the defendant raises various issues, including claims of trial court errors in jury selection, exclusion of evidence, limiting medical testimony, and improperly allowing testimony by the victims' family members.

The Court of Appeal, with the assistance of the Supreme Court, has launched an educational Web site for the event, featuring detailed case summaries, online briefs, and other relevant information in each case to be argued:

<http://www.courtinfo.ca.gov/courts/courtsofappeal/3rdDistrict/documents/FrontWebPg.pdf>. The Supreme Court's oral argument calendar is attached and appears online at <http://www.courtinfo.ca.gov/courts/calendars/documents/SOCTB05.DOC>.

In the spirit of collaboration, the city of Redding has agreed to allow the Supreme Court to use its City Hall council chambers for this event. Public and private high school students will be bused to the building to hear the arguments, which will be televised in an overflow viewing area. Teams of judges and lawyers, organized by the Superior Court of Shasta County, will lead student discussions about each case.

***Note to Media: A limited number of press seats in the courtroom are available. Please call Lynn Holton, at 415-865-7726 or Melissa Fowler-Bradley at 530-225-5570.***

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SPECIAL SESSION—REDDING  
OCTOBER 5, 2005**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**WEDNESDAY, OCTOBER 5, 2005—9:00 A.M.**

***(1) People v. R. J. Reynolds Tobacco, S121009 (Bedsworth, J., assigned justice pro tempore.)***

#04-08 People v. R. J. Reynolds Tobacco, S121009. (B160571; 112 Cal.App.4th 1377; Superior Court of Los Angeles County; KC036109.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Does the federal Cigarette Labeling and Advertising Act (15 U.S.C. § 1331 et seq.), by preempting any state requirement or prohibition “based on smoking and health . . . with respect to the advertising or promotion of any cigarettes” (15 U.S.C. § 1334(b)), thereby preempt Health and Safety Code section 118950, which prohibits the distribution of free cigarettes on public property except in specified, limited circumstances?

***(2) People v. Smith (Jarmaal), S123074 (Boren, J., assigned justice pro tempore.)***

#04-46 People v. Smith (Jarmaal), S123074. (C042876; 115 Cal.App.4th 567; Superior Court of Sacramento County; 00F01948.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Was defendant properly convicted of two counts of attempted murder for firing a single shot toward two victims on the theory that both victims were within the so-called “kill zone” at the time of the shooting? (See *People v. Bland* (2002) 28 Cal.4th 313.)

***(3) People v. Robinson (James), S040703 [Automatic Appeal] (Corrigan, J., assigned justice pro tempore.)***

This matter is an automatic appeal from a judgment of death.

**2:00 P.M.**

***(4) Kinsman v. Unocal Corp., S118561 (Cornell, J., assigned justice pro tempore.)***

#03-132 Kinsman v. Unocal Corp., S118561. (A093424; 110 Cal.App.4th 826; Superior Court of San Francisco County; 308646.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: Is a landowner's liability under *Rowland v. Christian* (1968) 69 Cal.2d 108 with respect to a concealed hazardous condition on its property limited by the principles of *Privette v. Superior Court* (1993) 5 Cal.4th 689 and its progeny where the concealed condition allegedly causes injury to an employee of an independent contractor hired by the landowner?

***(5) Barratt American v. City of Rancho Cucamonga, S117590 (Coffee, J., assigned justice pro tempore.)***

#03-124 Barratt American v. City of Rancho Cucamonga, S117590. (E032578; 109 Cal.App.4th 709; Superior Court of San Bernardino County; RCV063382.) Petition for review after the Court of Appeal affirmed the judgment in a proceeding for writ of administrative mandate. This case includes the following issues: (1) What remedies are available when a local government imposes building permit and plan review fees in excess of the amount permitted under the provisions of the Mitigation Fee Act (Gov. Code, §§ 66000–66024)? (2) In this case, are all of petitioner's claims barred by the 120-day statute of limitations set forth in Government Code section 66022?